IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

MACA.No. 2088 of 2006()

OPMV.1845/2000 of ADDL.MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM
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APPELLANT/PETITIONER IN (OPMV)

SR. BAMBEENA, AGED 61 YEARS,
ST. JOSEPH VIDYA BHAVAN CONVENT,
EDAPPALLY, COCHIN-24.

BY ADV. SRI.VIVEK VARGHESE P.J.

RESPONDENTS: RESPONDENTS IN OP(MV)
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1. DAMODARAN NAIR,
THANIPPALLATH HOUSE, EAST KADUNGALLUR,
(VIA)ALUVA.

2. PURUSHOTHAMAN PILLAI, S/O. DAMODHARAN
PILLAI, KUTTALIPARAMBIL HOUSE,
NEAR PALLURPILLIKKAVU TEMPLE, ELOOKKARA,
KADUNGALLUR VILLAGE.

3. THE NATIONAL INSURANCE CO. LTD.,
REGIONAL OFFICE, ERNAKULAM.

4. SREEHARI, S/O. RAMACHANDRAN NAIR,
THANIPALLATH HOUSE, EAST KADUNGALLUR(VIA),
ALUVA.

5. T.V.GIRISH,
THATTAMPARAMBIL HOUSE, PAMBADY, VAIKKOM.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & M.N.KRISHNAN J.J

M.A.C.A. No.2088 OF 2006

Dated this the 22nd day of January 2007

JUDGMENT

Krishnan.J

This is an appeal preferred against the award of the Motor Accidents Claims Tribunal Ernakulam in O.P(MV) No.1845/2000 The petitioner was a teacher by profession, sustained fracture of left clavicle and also fracture of 9th rib on the right side. The Tribunal awarded compensation of Rs. 58,880/- It is against that decision the present appeal is filed. The learned counsel for the appellant contends that the income taken is inadequate and the compensation awarded is very low.

2. We have perused the award of the Tribunal. The claimant had sustained fracture of left clavicle as well as of the 9th rib on the right side. The Tribunal accepted the disability as such for the fracture of the clavicle and took it at 14% as prescribed by the Doctor. The income is taken as Rs. 2,000/- and awarded the compensation by taking the disability at 14% and multiplier of 8, it is correct Similarly the Tribunal has awarded proper compensation for pain and suffering and for the medical expenses

and also for expenses for the bystander and extra- nourishment. So the award passed by the Tribunal is only just and reasonable. Therefore this appeal lacks merit and is dismissed.

K.S.RADHAKRISHNAN,JUDGE

M.N.KRISHNAN,JUDGE

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